

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SHAWN STANSBERRY,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. G-05-529
	§	
TRIPLE S MARINE CONSULTING, INC.,	§	
<i>et al</i> ,	§	
	§	
Defendant.	§	


ORDER

Having considered Plaintiff's Opposed Motion for Non-Suit Without Prejudice and the Response thereto, the Court finds that Plaintiff's Motion should be **GRANTED**. Accordingly, all of Plaintiff's claims against Defendants are **DISMISSED WITHOUT PREJUDICE**. Pursuant to the power granted by Federal Rule of Civil Procedure 41(a)(2), the Court further **ORDERS** that any and all discovery previously exchanged between the Parties shall be used in any future adjudication among these Parties arising out of the same matter. Additionally, the Court **ORDERS** that any future litigation filed by Plaintiff against these Defendants involving the same subject matter as the instant suit, shall not be filed in this Court or in any Court from which it can be removed to this Court.

This Court appreciates the Response submitted by Defendant Parker Drilling Offshore USA. However, the mere prospect of a second lawsuit is not sufficient to deny Plaintiff's Motion. *See Davis v. Huskipower Outdoor Equip. Corp* , 936 F.2d 193, 199 (5th Cir. 1991). Additionally, Federal Rule of Civil Procedure 41(a)(2) does not prohibit the Court from

dismissing this action on the basis of Defendant's Third-Party claims. The prohibition in Rule 41(a)(2) applies only to counterclaims. A Final Judgment will be issued in due course.

SIGNED this 21st day of September, 2006.



Samuel B. Kent
United States District Judge